

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

In Re:

JUAN LUIS REYES RAMOS  
FRANCINE PACHECO LABOY

Case No. 16-02778 - MCF

Debtor(s)

Chapter 13

TRUSTEE'S OBJECTION TO CLAIMED EXEMPTION

TO THE HONORABLE COURT:

NOW COMES José R. Carrión, Chapter 13 Trustee, through the undersigned attorney, and very respectfully alleges and prays:

1. The captioned Debtor(s) claimed Exemption pursuant to §522(d) (5) in the amount of \$12,200.00 over property of the estate described "Schedule A" as follows: Inheritance property located at Villa Nueva, Caguas

2. The captioned Debtor(s) claimed Exemption pursuant to §522(d) (5) in the amount of \$13,203.00 over property of the estate described in "Schedule A" as follows: Inheritance property located at Jardines de Caguas, Caguas.

3. The Trustee, pursuant to 11 U.S.C. §522(l), objects to aforementioned claimed exemption over described estate property. As ground for the objection, the Trustee states that:

(x) The claimed amount of \$12,200.00 exceed the amount allowed (\$6,266.00) pursuant to §522(d) (5) in the amount of \$5,934.00. Therefore the Debtor(s) is (are) not entitled to the amount claimed in excess.

(x) The claimed amount of \$13,203.00 exceed the amount allowed (\$13,100.00) pursuant to §522(d) (5) in the amount of \$103.00. Therefore the Debtor(s) is (are) not entitled to the amount claimed in excess.

WHEREFORE the Trustee respectfully prays that an order be entered denying the Debtor's claimed exemptions as set out above.

**14 DAYS NOTICE:** The Debtor(s) is hereby notified that unless an opposition to this objection is submitted in writing within 14 days from the date appearing in the certificate of service, infra, the Court may grant this motion without the need of an actual hearing.

**CERTIFICATE OF SERVICE:** Pursuant to Bankruptcy Rule 4003(b) The Chapter 13 Trustee herewith certified that a copy of this motion has been served by regular US Mail on this same date to: the DEBTOR(S) and to her/his/their ATTORNEY, to their respective address of record.

In San Juan, Puerto Rico this 3<sup>rd</sup> day of June, 2016.

/S/ Jose R. Carrion  
JOSE R. CARRION  
CHAPTER 13 TRUSTEES  
PO Box 9023884  
San Juan PR 00902-3884  
Tel. (787) 977-3535  
Fax (787) 977-3550

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF PUERTO RICO

IN RE:  
JUAN LUIS REYES RAMOS  
FRANCINE PACHECO LABOY  
DEBTOR (S)

CASE NO. 16-02778-MCF  
CHAPTER 13

AFFIDAVIT FOR DEFAULT JUDGEMENT  
PURSUANT TO SECTION 201(b) (4)  
OF THE SERVICEMEMBERS CIVIL RELIEF ACT OF 2003

I , MARAYDA RIVERA , clerk for the Chapter 13 & 12 Trustee's Office, declare under penalty of perjury, the following:

That according to the enclosed certification, provided by the Department of Defense Manpower Data Center (DMDC), the Debtor(s) is (are) not in active duty or under call to active duty as a member(s) of the Army, Navy or Air Forces of the United States of America; the National Guard; the Public Health Service or the National Oceanic and Atmospheric Administration.

To certify the above statement I sign this affidavit,

In San Juan, Puerto Rico, June 03, 2016.

*MRC*



Status Report  
Pursuant to Servicemembers Civil Relief Act

Last Name: REYES RAMOS

First Name: JUAN LUIS

Middle Name:

Active Duty Status As Of: Jun-03-2016

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
4800 Mark Center Drive, Suite 04E25  
Arlington, VA 22350

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via this URL: [https://kb.defense.gov/PublicQueries/publicQuestions/FaqsAnswers.jsp?Subject=Locating Service Members or Getting a Mailing Addresss](https://kb.defense.gov/PublicQueries/publicQuestions/FaqsAnswers.jsp?Subject=Locating%20Service%20Members%20or%20Getting%20a%20Mailing%20Addresss). If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

## More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

## Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

**WARNING:** This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: W1J865DEU391X70



Status Report  
Pursuant to Servicemembers Civil Relief Act

Last Name: PACHECO LABOY

First Name: FRANCINE

Middle Name:

Active Duty Status As Of: Jun-03-2016

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
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Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
4800 Mark Center Drive, Suite 04E25  
Arlington, VA 22350

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**WARNING:** This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

**Certificate ID: X1V3I59EM3A1TE0**

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail to the parties listed below:

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JOSE R. CARRION PO BOX 9023884, OLD SAN JUAN STATION SAN JUAN, PR 00902	MARIA DE LOS ANGELES GONZALEZ, ESQ. US POST OFFICE & COURTHOUSE 300 RECINTO SUR ST., SUITE 109 OLD SAN JUAN, PR 00901
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ROBERTO FIGUEROA CARRASQUILLO* PO BOX 186 CAGUAS, PR 00726-0186	DEPARTMENT OF TREASURY PO BOX 9024140 SAN JUAN, PR 00902
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UNEMPLOYMENT INSURANCE PUERTO RICO DEPT OF LABOR 12 FLOOR 505 MUÑOZ RIVERA AVE.	JUAN LUIS REYES RAMOS COND PARQUE SAN ANTONIO I APT 1403 CAGUAS, PR 00725
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AEELA PO BOX 364508 SAN JUAN, PR 00936-4508	ATT SERVICES PO BOX 192830 SAN JUAN, PR 00919-2830
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BANCO POPULAR DE PR AS SERVICING AGENT OF ORIENT C/O MONTANEZ & ALICEA LAW OFFICES 500 MUÑOZ RIVERA AVENUE EL CENTRO I SUITE 211-214	BANCO POPULAR DE PUERTO RICO BANKRUPTCY DEPARTMENT PO BOX 366818 SAN JUAN, PR 00936
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BPPR AS SERVICING AGENT FOR ORIENTAL BANK PO BOX 71578 SAN JUAN, PR 00936-8678	DEPARTMENT OF TREASURY PRIORITY CLAIMS PO BOX 9024140 SAN JUAN, PR 00902-4140
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DEPARTMENT OF TREASURY UNSECURED CLAIMS PO BOX 9024140 SAN JUAN, PR 00902-4140	EASTERN AMERICA INSURANCE COMPANY PO BOX 9023862 SAN JUAN, PR 00902
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FIRST BANK OF PR PO BOX 9146 SAN JUAN, PR 00908-0146	PUERTO RICO TELEPHONE COMPANY PO BOX 70239 SAN JUAN, PR 00936-8239
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SANTANDER FINANCIAL DBA ISLAND FINANCE PO BOX 195369 SAN JUAN, PR 00919	SISTEMA DE RETIRO ELA PO BOX 42003 SAN JUAN, PR 00940-2203
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VELMA E DIAZ CARRASQUILLO PO BOX 361508 SAN JUAN, PR 00936-1508
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DATED: June 03, 2016

MARAYDA RIVERA

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OFFICE OF THE CHAPTER 13 TRUSTEE